



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss.

COMMISSION ADJUDICATORY
DOCKET NO. 07-0020

IN THE MATTER
OF
PAUL COKINOS

DISPOSITION AGREEMENT

This Disposition Agreement is entered into between the State Ethics Commission and Paul Cokinos pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in Superior Court, pursuant to G.L. c. 268B, § 4(j).

On June 8, 2006, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Cokinos. The Commission has concluded its inquiry and, on March 14, 2007, found reasonable cause to believe that Cokinos violated G.L. c. 268A.

The Commission and Cokinos now agree to the following findings of fact and conclusions of law:

-Findings of Fact-

1. Cokinos is a property developer.
2. During the relevant time, Kenneth Karlson was a self-employed mechanic and excavator.
3. From 2003 until May 2005, Karlson served as a Rockland Conservation Commission member.
4. In spring 2004, Cokinos began a construction project (the "Project") at the Massachusetts Sports Club ("the MSC") in Rockland.
5. The Project involved building a new ice skating rink next to the existing rink, removing the dome over the existing rink, constructing a building to enclose the two rinks, and adding a new parking area. It was anticipated that elevation problems on the lot would lead to water drainage into the adjacent wetlands and add to flooding possibilities. As the Project potentially impacted adjacent wetlands, the matter was under the jurisdiction of the Conservation Commission.

6. In June 2004, the Conservation Commission, with Karlson as its chair, began addressing MSC's application to perform construction on the Project. Cokinos spoke at the Conservation Commission hearing as the engineer on the Project.

7. In August 2004, the Conservation Commission closed the public hearing on the application and issued an Order of Conditions for the Project which included grading.

8. In spring 2005, Cokinos hired Karlson to perform excavation work on the Project which involved these grading requirements.

9. Karlson performed this excavation work on the Project for approximately four weeks during April 2005, for which work Cokinos paid him a total of \$10,000.

10. Karlson did not participate as a Conservation Commission member in the Project after agreeing to perform the excavation work.

11. In May 2005, Karlson left the Conservation Commission.

-Conclusions of Law-

12. Section 17(b) of G.L. c. 268A, prohibits anyone from knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly offering, promising or giving compensation to a municipal employer in relation to any particular matter in which the same municipality is a party or has a direct and substantial interest.

13. As a Conservation Commission member, Karlson was a Rockland municipal employee. At all relevant times, Cokinos knew that Karlson was a Rockland municipal employee.

14. The Conservation Commission's decision concerning the grading requirements on the Project was a particular matter in which the town had a direct and substantial interest.

15. Thus, as described above, by paying Karlson \$10,000 for excavation work he did on the Project concerning the grading requirements, Cokinos knowingly gave compensation to a Rockland municipal employee in relation to a particular matter in which the Town of Rockland had a direct and substantial interest.

16. The compensation that Cokinos gave to Karlson was not as provided by law for the proper discharge of Karlson's official duties as a Conservation Commission member.

17. Therefore, by giving compensation to Karlson for excavation work concerning the grading requirements on the Project, Cokinos violated §17(b).

-Resolution-

In view of the foregoing violation of G.L. c. 268A by Cokinos, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Cokinos:

- (1) that Cokinos pay to the Commission the sum of \$2,000.00 as a civil penalty for violating G.L. c. 268A, §17(b);

- (2) that he waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: June 27, 2007